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February 27, 2008

By Electronic Filing

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket Nos. 06-135 & 05-213 and RM-11271
Ex Parte Presentation

Dear Ms. Dortch:

Biotronik is pleased to note that, with the filing of Medtronic's most recent *ex parte* letter, the relevant parties in the above-referenced proceeding agree on new low power, low duty cycle ("LP-LDC") operations in the main MICS band.¹

Medtronic now states that adoption of the LP-LDC standards already adopted in Europe would be acceptable, should the Commission determine to allow permanent LP-LDC operations in 402-405 MHz, the present MICS band.² As Biotronik has stated in the record several times, it supports adoption of the European Technical Standards Institute ("ETSI") standards, as do several other

¹ Letter from David E. Hilliard to Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission, (Jan. 10, 2008) ("Medtronic Ex Parte").

² Medtronic Ex Parte at 3.

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parties.³ The ETSI standards allow for LP-LDC band access in the main MICS bands.

Biotronik notes, however, that the record does not contain any proposed language with regard to harmonizing the European standard with the MICS rules. Biotronik thus proposes that the attached proposed rules be considered by the Commission as a way to effectuate that harmonization.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is written in a cursive, slightly slanted style.

Henry Goldberg
Attorney for Biotronik, Inc.

cc: Julius Knapp
Bruce Romano
Alan Stillwell
Geraldine Matise
Jamison Prime
Gary Thayer
Mark Settle

³See Letter from Henry Goldberg, Attorney for Biotronik, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, Attachment A (May 23, 2007) ("Biotronik Presentation") (outlining Biotronik's proposal for MICS rule changes).

§ 95.628 MICS Transmitter

(b) Exceptions to access criteria in (a).

1) MICS communications sessions initiated by a medical implant event are not required to use the access criteria set forth in paragraph (a) of this section.

2) Transmissions are not required to use the access criteria set forth in paragraph (a) of this section so long as the transmit power is not greater than 100 nanowatts ERP and the duty cycle for such transmissions does not exceed 0.01%, based on the total transmission time during a one-hour interval. A Medical Implant Device operating under the exception in this subsection (b)(2) may only transmit on the frequencies identified in §95.628(c).

(c) Stations that incorporate the access criteria set forth in paragraph (a) or (b)(1) of this section may operate on any of the frequencies in the band 402-405 MHz, provided that the out-of-band emissions are attenuated in accordance with § 95.635. Stations that operate under paragraph (b)(2) of this section may operate on any of the frequencies in the band 403.5-403.8 MHz, provided that the out-of-band emissions are attenuated in accordance with § 95.635.

§ 95.639 Maximum transmitter power

(f) In the MICS the following limits apply:

1) The maximum EIRP for MICS transmitter stations that comply with the access criteria of Section 95.628(a) or (b)(1) is 25 microwatts. The maximum ERP for MICS transmitter stations that operate under Section 95.628(b)(2) is 100 nanowatts.

[Retain remainder of subsection]

§ 95.1209 Permissible communications

MICS stations may transmit non-voice data as permitted below:

(b) Except in response to a medical implant event, no medical implant transmitter shall transmit except in response to a transmission from a medical implant programmer/control transmitter or a non-radio frequency actuation signal generated by a device external to the body in which the medical implant transmitter is implanted or is to be implanted; provided, however, that medical implant transmitters are not subject to this limitation when operating under the terms of Section 95.628(b).